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10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against,

15 **JENNA LEE VICTORY**
16 **166 Ludell Drive**
Walnut Creek, CA 94597-2026

17 **Polysomnographic Technologist Registration**
18 **No. PTGL 609**

19 Respondent.

Case No. 800-2018-040968

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

20 **FINDINGS OF FACT**
21

22 1. On or about November 15, 2018, Complainant Kimberly Kirchmeyer, in her official
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer
24 Affairs, filed Accusation No. 800-2018-040968 against Jenna Lee Victory (Respondent) before
25 the Medical Board of California.

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1 2. On or about February 18, 2014, the Medical Board of California (Board) issued
2 Polysomnographic Technologist Registration No. PTGL 609 to Respondent. The
3 Polysomnographic Technologist Registration expired on October 31, 2017, and has not been
4 renewed. A true and correct
5 copy of Respondent's license is attached as Exhibit 1 to the separate accompanying "Default
6 Decision Evidence Packet" and incorporated herein by reference as if fully set forth herein.¹

7 3. On or about November 15, 2018, Kristy Voong, an employee of the Complainant
8 Agency, served by Certified Mail a copy of the Accusation No. 800-2018-040968, Statement to
9 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
10 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 166
11 Ludell Drive, Walnut Creek, CA 94597-2026. A copy of the Accusation, the related documents,
12 and Declaration of Service are attached as Exhibit 2, and are incorporated herein by reference.

13 4. Service of the Accusation was effective as a matter of law under the provisions of
14 Government Code section 11505, subdivision (c).

15 5. On or about January 28, 2019, the aforementioned documents were returned by the
16 U.S. Postal Service marked "Unclaimed." A copy of the envelope returned by the post office is
17 attached as Exhibit 3, and is incorporated herein by reference.

18 6. Business and Professions Code section 118 states, in pertinent part:

19 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
20 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
21 order of a court of law, or its surrender without the written consent of the board, shall not, during
22 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
23 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
24 provided by law or to enter an order suspending or revoking the license or otherwise taking
25 disciplinary action against the license on any such ground."

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27 ¹ The exhibits referred to herein, which are true and correct copies of the originals, are
28 contained in the separate accompanying "Default Decision Evidence Packet" and will be
identified by "Exhibit" Followed by the specific exhibit number.

1 7. Government Code section 11506 states, in pertinent part:

2 “(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
3 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
4 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
5 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.”

6 8. Respondent failed to file a Notice of Defense within 15 days after service upon her of
7 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 800-
8 2018-040968.

9 9. California Government Code section 11520 states, in pertinent part:

10 “(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
11 agency may take action based upon the respondent's express admissions or upon other evidence
12 and affidavits may be used as evidence without any notice to respondent.”

13 10. Pursuant to its authority under Government Code section 11520, the Board finds
14 Respondent is in default. The Board will take action without further hearing and, based on
15 Respondent's express admissions by way of default and the evidence before it, contained in
16 exhibits 1, 2 and 3, finds that the allegations in Accusation No. 800-2018-040968 are true.

17 11. Section 480 of the Code states, in pertinent part:

18 “(a) A board may deny a license regulated by this code on the grounds that the applicant
19 has one of the following:

20 “(1) Been convicted of a crime. A conviction within the meaning of this section means a
21 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
22 board is permitted to take following the establishment of a conviction may be taken when the
23 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when
24 an order granting probation is made suspending the imposition of sentence, irrespective of a
25 subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

26 “(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially
27 benefit himself or herself or another, or substantially injure another.

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1 “(3) (A) Done any act that if done by a licentiate of the business or profession in question,
2 would be grounds for suspension or revocation of license.

3 “(B) The board may deny a license pursuant to this subdivision only if the crime or act is
4 substantially related to the qualifications, functions, or duties of the business or profession for
5 which application is made.

6 “(b) Notwithstanding any other provision of this code, a person shall not be denied a
7 license solely on the basis that he or she has been convicted of a felony if he or she has obtained a
8 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of
9 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has
10 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate
11 the rehabilitation of a person when considering the denial of a license under subdivision (a) of
12 Section 482.

13 “(c) Notwithstanding any other provisions of this code, a person shall not be denied a
14 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,
15 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been
16 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof
17 of the dismissal.

18 “(d) A board may deny a license regulated by this code on the ground that the applicant
19 knowingly made a false statement of fact required to be revealed in the application for the
20 license.”

21 12. Section 3576 of the Code states, in pertinent part:

22 “(a) A registration under this chapter may be denied, suspended, revoked, or otherwise
23 subjected to discipline for any of the following by the holder:

24 “(1) Incompetence, gross negligence, or repeated similar negligent acts performed by the
25 registrant.

26 “(2) An act of dishonesty or fraud.

27 “(3) Committing any act or being convicted of a crime constituting grounds for denial of
28 licensure or registration under Section 480.

1 “(4) Violating or attempting to violate any provision of this chapter or any regulation
2 adopted under this chapter.

3 “(b) Proceedings under this section shall be conducted in accordance with Chapter 5
4 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and
5 the board shall have all powers granted therein.”

6 13. Section 3576.3 of the Code states, in pertinent part:

7 “(a) The board may suspend or revoke the registration of a polysomnographic technologist,
8 polysomnographic technician, or polysomnographic trainee for unprofessional conduct as
9 described in this section.

10 “(b) The use of any controlled substance or the use of any of the dangerous drugs specified
11 in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
12 or injurious to the registrant, or to any other person or to the public, or to the extent that this use
13 impairs the ability of the registrant to practice safely or more than one misdemeanor or any felony
14 conviction involving the use, consumption, or self-administration of any of the substances
15 referred to in this section, or any combination thereof, constitutes unprofessional conduct. The
16 record of the conviction is conclusive evidence of this unprofessional conduct.

17 “(c) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
18 deemed to be a conviction within the meaning of this section. The board may order discipline of
19 the registrant in accordance with Section 2227 or may order the denial of the registration when
20 the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or
21 when an order granting probation is made suspending imposition of sentence, irrespective of a
22 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing this person
23 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
24 of guilty, or dismissing the accusation, complaint, information, or indictment.”

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1 14. Section 1379.68 of the California Code of Regulations states, in pertinent part:
2 “For the purpose of denial, suspension, or revocation of the registration of a
3 polysomnography registrant pursuant to Division 1.5 (commencing with Section 475) of the
4 Code, a crime or act shall be considered substantially related to the qualifications, functions, and
5 duties of a polysomnographic registrant if to a substantial degree it evidences present or potential
6 unfitness of a polysomnographic registrant to perform the functions authorized by his or her
7 registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts
8 shall include, but not be limited to, those involving the following:

9 (a) Violating or attempting to violate, directly or indirectly, or assisting or abetting the
10 violation of or conspiring to violate any provision or term of Chapter 7.8 of Division 2 of the
11 Code.

12 (b) Conviction of a crime involving fiscal dishonesty, or theft.

13 (c) Battery or assault.

14 (d) Sexual misconduct or abuse.

15 (e) Conviction of a crime involving lewd conduct, prostitution or solicitation thereof, or
16 pandering and/or indecent exposure, as defined by the Penal Code.”

17 15. Respondent’s license is subject to disciplinary action under sections 480, 3576, and
18 3576.3, of the Code, and under Title 16 of the California Code of Regulations section 1379.68, by
19 reason of the following:

20 A. On or about March 28, 2018, Respondent pleaded nolo contendere in a case
21 entitled *The People of the State of California v. Jenna Lee Victory*, Fresno County Superior
22 Court Case No. F18900511 to Count 1, First Degree Residential Burglary, in violation of
23 section 459/460(a) of the California Penal Code. A Certified copy of Fresno Police
24 Department Law Enforcement Report Form in Case No. 18-004451 is attached as Exhibit 4
25 and is incorporated herein by reference. The Criminal Complaint, Plea Form, and
26 Sentencing Minute Order in Fresno County Superior Court Case No. F18900511, alleging
27 the following criminal counts:

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1 a) Count 1: First Degree Residential Burglary, in violation of section
2 459/460(a) of the California Penal Code;

3 b) Count 2: Misdemeanor Possession of a Controlled Substance, in violation of
4 section 11377(a) of the California Health & Safety Code;

5 c) Count 3: Possession of Unlawful Drug Paraphernalia, in violation of section
6 11364 of the California Health & Safety Code. (See Exhibit 4.)

7 B. Respondent was sentenced to 205 days in jail (with credit for the 205 days she
8 had already served), three (3) years of formal probation, and to complete the following: do
9 not use or possess alcohol or drugs, do not leave the State of California, do not frequent
10 bars, submit to alcohol and drug testing, complete mental health/narcotics sentencing
11 programs, pay a fine and fees, and other probationary terms and conditions. (See Exhibit 5.)

12 **DETERMINATION OF ISSUES**

13 1. Based on the foregoing findings of fact, Respondent Jenna Lee Victory has subjected
14 her Polysomnographic Technologist Registration No. PTGL 609 to disciplinary action and
15 revocation.

16 2. Pursuant to its authority under California Government Code section 11520, and based
17 on the evidence before it, the Board hereby finds that the charges and allegations contained in the
18 Accusation and the Findings of Fact contained in paragraphs 1 through 15, above and each of
19 them, separately and severally, are true and correct.

20 3. Pursuant to its authority under California Government Code section 11520, and by
21 reason of the Findings of Fact contained in paragraphs 1 through 15, above, and Determination of
22 Issues 1 and 2, above, the Board hereby finds that Respondent Jenna Lee Victory, has subjected
23 her Polysomnographic Technologist Registration No. PTGL 609 to disciplinary action under
24 California Business and Professions Code sections 480, 3576, 3576.3, and California Code of
25 Regulations section 1379.68, in that she has:

26 (a) Been convicted of crimes, in violation of California Business and Professions
27 Code section 480, 3576, and California Code of Regulations section 1379.68;

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1 (b) Engaged in acts involving dishonesty, fraud, or deceit with the intent to
2 substantially benefit herself, in violation of California Business and Professions Code
3 section 480 and 3576;

4 (d) Committed general unprofessional conduct, in violation of California Business
5 and Professions Code section 3576.3.

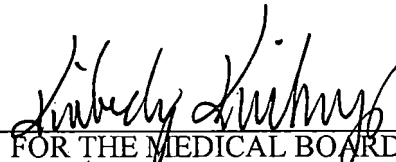
6 **ORDER**

7 IT IS SO ORDERED that Polysomnographic Technologist Registration No. PTGL 609,
8 heretofore issued to Respondent Jenna Lee Victory, is revoked.

9 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
10 written motion requesting that the Decision be vacated and stating the grounds relied on within
11 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
12 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

13 This Decision shall become effective on April 19, 2019, at 5:00 p.m.

14 It is so ORDERED March 22, 2019

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17 FOR THE MEDICAL BOARD OF CALIFORNIA
18 DEPARTMENT OF CONSUMER AFFAIRS
19 KIMBERLY KIRCHMEYER
20 EXECUTIVE DIRECTOR
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8 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO November 15 2018
BY K. Voong ANALYST

10 BEFORE THE
11 MEDICAL BOARD OF CALIFORNIA
12 DEPARTMENT OF CONSUMER AFFAIRS
13 STATE OF CALIFORNIA

14 In the Matter of the Accusation Against:

Case No. 800-2018-040968

15 **Jenna Lee Victory**
16 166 Ludell Drive
Walnut Creek, CA 94597-2026

ACCUSATION

17 Polysomnographic Technologist Registration
18 No. PTGL 609,

19 Respondent.

20
21
22 Complainant alleges:

23 **PARTIES**

24 1. Kimberly Kirchmeyer ("Complainant") brings this Accusation solely in her official
25 capacity as the Executive Director of the Medical Board of California, Department of Consumer
26 Affairs ("Board").

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2. On or about February 18, 2014, the Board issued Polysomnographic Technologist Registration No. PTGL 609 to Jenna Lee Victory (“Respondent”). That license expired on October 31, 2017, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 480 of the Code states, in pertinent part:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

“(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

“(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

“(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

“(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate

1 the rehabilitation of a person when considering the denial of a license under subdivision (a) of
2 Section 482.

3 “(c) Notwithstanding any other provisions of this code, a person shall not be denied a
4 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,
5 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been
6 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof
7 of the dismissal.

8 “(d) A board may deny a license regulated by this code on the ground that the applicant
9 knowingly made a false statement of fact required to be revealed in the application for the
10 license.”

11 5. Section 3576 of the Code states, in pertinent part:

12 “(a) A registration under this chapter may be denied, suspended, revoked, or otherwise
13 subjected to discipline for any of the following by the holder:

14 “(1) Incompetence; gross negligence, or repeated similar negligent acts performed by the
15 registrant.

16 “(2) An act of dishonesty or fraud.

17 “(3) Committing any act or being convicted of a crime constituting grounds for denial of
18 licensure or registration under Section 480.

19 “(4) Violating or attempting to violate any provision of this chapter or any regulation
20 adopted under this chapter.

21 “(b) Proceedings under this section shall be conducted in accordance with Chapter 5
22 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and
23 the board shall have all powers granted therein.”

24 6. Section 3576.3 of the Code states, in pertinent part:

25 “(a) The board may suspend or revoke the registration of a polysomnographic technologist,
26 polysomnographic technician, or polysomnographic trainee for unprofessional conduct as
27 described in this section.

28 “(b) The use of any controlled substance or the use of any of the dangerous drugs specified

1 in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
2 or injurious to the registrant, or to any other person or to the public, or to the extent that this use
3 impairs the ability of the registrant to practice safely or more than one misdemeanor or any felony
4 conviction involving the use, consumption, or self-administration of any of the substances
5 referred to in this section, or any combination thereof, constitutes unprofessional conduct. The
6 record of the conviction is conclusive evidence of this unprofessional conduct.

7 “(c) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
8 deemed to be a conviction within the meaning of this section. The board may order discipline of
9 the registrant in accordance with Section 2227 or may order the denial of the registration when
10 the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or
11 when an order granting probation is made suspending imposition of sentence, irrespective of a
12 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing this person
13 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
14 of guilty, or dismissing the accusation, complaint, information, or indictment.”

15 7. Section 1379.68 of the California Code of Regulations states, in pertinent part:

16 “For the purpose of denial, suspension, or revocation of the registration of a
17 polysomnography registrant pursuant to Division 1.5 (commencing with Section 475) of the
18 Code, a crime or act shall be considered substantially related to the qualifications, functions, and
19 duties of a polysomnographic registrant if to a substantial degree it evidences present or potential
20 unfitness of a polysomnographic registrant to perform the functions authorized by his or her
21 registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts
22 shall include, but not be limited to, those involving the following:

23 (a) Violating or attempting to violate, directly or indirectly, or assisting or abetting the
24 violation of or conspiring to violate any provision or term of Chapter 7.8 of Division 2 of the
25 Code.

26 (b) Conviction of a crime involving fiscal dishonesty, or theft.

27 (c) Battery or assault.

28 (d) Sexual misconduct or abuse.

1 (e) Conviction of a crime involving lewd conduct, prostitution or solicitation thereof, or
2 pandering and/or indecent exposure, as defined by the Penal Code.”

3 **COST RECOVERY**

4 8. Section 125.3 of the Code states:

5 “(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
6 proceeding before any board within the department or before the Osteopathic Medical Board,
7 upon request of the entity bringing the proceeding, the administrative law judge may direct a
8 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
9 to exceed the reasonable costs of the investigation and enforcement of the case.

10 “(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order
11 may be made against the licensed corporate entity or licensed partnership.

12 “(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs
13 are not available, signed by the entity bringing the proceeding or its designated representative
14 shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The
15 costs shall include the amount of investigative and enforcement costs up to the date of the
16 hearing, including, but not limited to, charges imposed by the Attorney General.

17 “(d) The administrative law judge shall make a proposed finding of the amount of
18 reasonable costs of investigation and prosecution of the case when requested pursuant to
19 subdivision (a). The finding of the administrative law judge with regard to costs shall not be
20 reviewable by the board to increase the cost award. The board may reduce or eliminate the cost
21 award, or remand to the administrative law judge if the proposed decision fails to make a finding
22 on costs requested pursuant to subdivision (a).

23 “(e) If an order for recovery of costs is made and timely payment is not made as directed in
24 the board’s decision, the board may enforce the order for repayment in any appropriate court.
25 This right of enforcement shall be in addition to any other rights the board may have as to any
26 licentiate to pay costs.

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1 “(f) In any action for recovery of costs, proof of the board’s decision shall be conclusive
2 proof of the validity of the order of payment and the terms for payment.

3 “(g)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the
4 license of any licentiate who has failed to pay all of the costs ordered under this section.

5 “(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or
6 reinstate for a maximum of one year the license of any licentiate who demonstrates financial
7 hardship and who enters into a formal agreement with the board to reimburse the board within
8 that one-year period for the unpaid costs.

9 “(h) All costs recovered under this section shall be considered a reimbursement for costs
10 incurred and shall be deposited in the fund of the board recovering the costs to be available upon
11 appropriation by the Legislature.

12 “(i) Nothing in this section shall preclude a board from including the recovery of the costs
13 of investigation and enforcement of a case in any stipulated settlement.

14 “(j) This section does not apply to any board if a specific statutory provision in that board’s
15 licensing act provides for recovery of costs in an administrative disciplinary proceeding.”

16 **CAUSE FOR DISCIPLINE**

17 **(Conviction of a Crime Substantially Related to the Qualifications, 18 Functions, or Duties of a Polysomnographic Technologist)**

19 9. Respondent’s license is subject to disciplinary action under sections 480, 3576, and
20 3576.3, of the Code, and under Title 16 of the California Code of Regulations section 1379.68, in
21 that she was convicted of a crime substantially related to the qualifications, functions or duties of
22 a Polysomnographic Technologist. The circumstances are as follows:

23 10. On or about January 18, 2018, at approximately 2:00 p.m., Respondent illegally
24 trespassed onto the property of a private residence, located in Fresno, California. While illegally
25 trespassing, Respondent moved several yard decorations into a crate. She additionally gained
26 entry into an unlocked shed located on the property and moved an electric drill, a circular saw,
27 and a leaf blower into the crate. Respondent damaged several door and window screens for the
28 purpose of gaining entry into the residence. Respondent then broke a windowpane located at the

1 back of the residence, in order to unlock the back door to the residence, and gained entry into the
2 structure.

3 11. At or about 2:06 p.m. officers from the Fresno Police Department arrived at the scene
4 and detained Respondent. Respondent was questioned by the responding officers and she
5 admitted to attempting to steal the items located in the crate, as well as breaking and entering into
6 the private residence.

7 12. While searching through Respondent's property, the responding officer found a small
8 bag which he determined to contain a usable amount of methamphetamine, as well as two glass
9 pipes, used for the purpose of smoking methamphetamine. Respondent admitted that the bag
10 contained methamphetamine and that it, as well as the two glass pipes, belonged to her.

11 Respondent was booked into the Fresno County Jail.

12 13. On or about January 22, 2018, Respondent was charged in a case entitled *The People*
13 *of the State of California v. Jenna Lee Victory*, Fresno County Superior Court Case No.
14 F18900511, alleging the following criminal counts:

15 a) Count 1: First Degree Residential Burglary, in violation of section 459/460(a) of
16 the California Penal Code;

17 b) Count 2: Misdemeanor Possession of a Controlled Substance, in violation of
18 section 11377(a) of the California Health & Safety Code;

19 c) Count 3: Possession of Unlawful Drug Paraphernalia, in violation of section 11364
20 of the California Health & Safety Code.

21 14. On or about March 28, 2018, Respondent pleaded nolo contendere in Fresno County
22 Superior Court Case No. F18900511 to Count 1, First Degree Residential Burglary, in violation
23 of section 459/460(a) of the California Penal Code. Respondent was sentenced to 205 days in jail
24 (with credit for the 205 days she had already served), three (3) years of formal probation, and to
25 complete the following: do not use or possess alcohol or drugs, do not leave the State of
26 California, do not frequent bars, submit to alcohol and drug testing, complete mental
27 health/narcotics sentencing programs, pay a fine and fees, and other probationary terms and
28 conditions.

15. On or about July 15, 2018, Respondent was arrested by the Clovis Police Department for violations of the following criminal statutes:

a.) False ID to Specific Peace Officers (Misdemeanor), in violation of the California Penal Code, section 148.9(A);

b.) Probation Violation: Rearrest/Revoke, in violation of the California Penal Code, section 1203.2(A);

c.) Under the Influence of Controlled Substance (Misdemeanor), in violation of the California Health & Safety Code, section 11550(A); and,

d.) Possession of Unlawful Drug Paraphernalia (Misdemeanor), in violation of the California Health & Safety Code, section 11364(A).

As of the submission of this document, no criminal charges have yet been filed regarding this latest incident.

DISCIPLINARY CONSIDERATIONS

16. To determine the degree of discipline, if any, to be imposed on Respondent Jenna Lee Victory, Complainant alleges that on or about June 5, 2014, in a prior criminal proceeding entitled *The People of the State of California vs. Jenna Lee Victory*, in Alameda Superior Court, Case Number 455837, Respondent pleaded nolo contendere to a misdemeanor violation of California Penal Code, section 647(f), intoxicated in public, and was ordered to Three (3) years of informal probation, twenty (20) days of Sherriff's Weekend Alternative Program (SWAP). The record of the criminal proceeding is incorporated as if fully set forth herein.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Polysomnographic Technologist Registration No. PTGL 609, issued to Jenna Lee Victory;
2. Ordering Jenna Lee Victory to pay the Medical Board the reasonable costs of investigation and enforcement of this case, and if placed on probation, to pay the Board the costs of probation monitoring; and
3. Taking such other and further action as deemed necessary and proper.

DATED:

November 15, 2018


KIMBERLY BIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SA2018302582
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